



STATE OF ARKANSAS

Office of the Attorney General

Winston Bryant
Attorney General

Telephone:
(501) 682-2007

Opinion No. 94-089

April 29, 1994

The Honorable W.D. Moore, Jr.
State Senator
1112 Green Street
El Dorado, AR 71730

Dear Senator Moore:

This is in response to your request for an opinion regarding the wastewater fee for El Dorado, Arkansas. You note that this fee has been increased, and you have asked:

Would it be legal to place this fee as a line item on all wastewater bills or must it be incorporated into the rate base?

Please note that I have enclosed a copy of Attorney General Opinion 94-086, which I believe sufficiently addresses this question. It was concluded therein that while the sewage system reasonably has the authority to recover the permit fee through a separate charge on its customers' bills, the pre-enactment notice and public hearing procedure set forth under A.C.A. § 14-235-223 (1987) must be followed when establishing this charge.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Elisabeth A. Walker.

Sincerely,

A handwritten signature in cursive script that reads "Winston Bryant".

WINSTON BRYANT
Attorney General

WB:cyh

Enclosure